

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP CHRISTOPHER DISTIN,

No. 2:23-cv-1369 WBS AC P

Plaintiff,

ORDER

v.

U.S. ARMY, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 25, 2023, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 5. Plaintiff has filed objections to the findings and recommendations. ECF No. 8.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed July 25, 2023 (ECF No. 5), are adopted in
3 full;
- 4 2. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is DENIED;
- 5 3. The complaint is dismissed with prejudice and without leave to amend for failure to
6 state a claim; and
- 7 4. The Clerk of the Court is directed to close this case.

8 Dated: August 25, 2023


9 WILLIAM B. SHUBB
10 UNITED STATES DISTRICT JUDGE

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